

DECLARATION FOR PATENT APPLICATION

Docket: A-1498

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE AND METHOD the specification of which (check one)

☒ is attached hereto
☐ was filed on _____
 as US Application Serial Number or PCT International Application Number _____
 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

{ } Yes

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365© of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status -patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Donald E. Stout, Reg. No. 34,493; Frank J. Uxa, Reg. No. 25,612; Kenton R. Mullins, Reg. No. 36,331;
Robert D. Buyan, Reg. No. 32,460; D. Jennings Meincke, Reg. No. 36,606; Philip H. Haymond, Reg. 38,177

Address all telephone calls to
 Address all correspondence to

D. Jennings Meincke at telephone number (949) 450-1750
 Donald E. Stout
 Stout, Uxa, Buyan & Mullins, LLP
 100 Pacifica, Suite 210
 Irvine, CA 92618

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Fred H. Burbank

Inventor's signature
 Residence
 Post Office Address

Fred H. Burbank
San Juan Capistrano, California
30982 Steeplechase Drive, San Juan Capistrano, CA 92675

Date 1/20/99
 Citizenship U.S.A.

Full name of second joint inventor (given name, family name) Paul Lubock

Second Inventor's signature
 Residence:
 Post Office Address

Paul Lubock
Laguna Niguel, California
30 Bethany, Laguna Niguel, CA 92677

Date January 20 1999
 Citizenship U.S.A.

Applicant or Patentee: Burbank et al.
Serial or Patent No.: _____
Filed: Herewith
Title: TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE AND METHOD

Docket No.: A-1498

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE AND METHOD described in

☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

FULL NAME SenoRx, Inc.
ADDRESS 13766 Alton Parkway, Suite 144
Irvine, CA 92618
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Fred H. Burbank
NAME OF INVENTOR

Paul Lubock
NAME OF INVENTOR

Fred H. Burbank
SIGNATURE OF INVENTOR

Paul Lubock
SIGNATURE OF INVENTOR

1/20/99
DATE

January 20 1999
DATE

Applicant or Patentee: Burbank et al.
Serial or Patent No.: _____
Filed or Issued: Herewith
Title: TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE AND METHOD

Docket No.: A-1498

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(e))--SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN SenoRx, Inc.
ADDRESS OF SMALL BUSINESS CONCERN 13766 Alton Parkway, Suite 144
Irvine, CA 92618

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE AND METHOD
by inventor(s): Fred H. Burbank and Paul Lubock
described in

☒ the specification filed herewith

☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

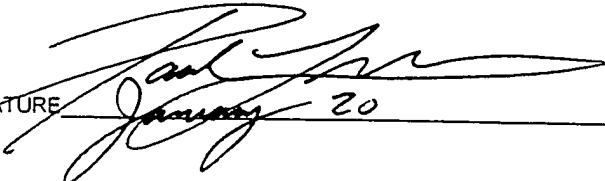
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Paul Lubock
TITLE OF PERSON IF OTHER THAN OWNER Chief Operating Officer
ADDRESS OF PERSON SIGNING 13766 Alton Parkway, Suite 144, Irvine, CA 92618

SIGNATURE

DATE

 January 20 1999

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	Docket No.: 26684-1060
Burbank et al.)	
)	Examiner: unassigned
)	
For: TISSUE SPECIMEN ISOLATING AND)	Group Art Unit: 3738
DAMAGING DEVICE AND METHOD)	
)	
Serial No.: 09/238,965)	
Filed: January 27, 1999)	
)	
)	
)	

POWER OF ATTORNEY BY ASSIGNEE AND REVOCATION OF PRIOR POWERS

The Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

As Assignee of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the Patent and Trademark Office in connection with the above-identified application.

EDWARD J. LYNCH, Registration No. 24,422
JACQUES DULIN, Registration No. 24,067
HERWIG von MORZE, Registration No. 29,484
DEREK P. FREYBERG, Registration No. 29,250
Y. PING CHOW, Registration No. 30,740
WILLIAM SCHMONSEES, Registration No. 31,796
WALTER KURZ, Registration No. 37,373
ROBERT F. DENNIS, Registration No. 40,988
SOODABEH TRONSON, Registration No. 41,354
WILLIAM B. ANDERSON, Registration No. 41,585
PRISCILLA H. MARK, Registration No. 41,970
VICTORIA L. BOYD, Registration No. 43,510
ALICIA HAGER, Registration No. 44,140

of the firm

HELLER, EHRMAN, WHITE & MCAULIFFE
525 University Avenue
Palo Alto, CA 94301-1900
(650) 324-7000

and

GEORGE M. COOPER, Registration No. 20,201
ERIC S. SPECTOR, Registration No. 22,495
FELIX J. D'AMBROSIO, Registration No. 25,721
DOUGLAS R. HANSCOM, Registration No. 26,600
JIM W. HELLWEGE, Registration No. 28,808
WILLIAM A. BLAKE, Registration No. 30,548
COLIN D. BARNITZ, Registration No. 35,061

of the firm:

JONES, TULLAR & COOPER, P.C.
2001 Jefferson Davis Highway
Box 2266, EADS Station
Arlington, VA 22202
(703) 415-1500

Address all correspondence and direct all telephone calls to:

Edward J. Lynch
HELLER, EHRMAN, WHITE & MCAULIFFE
525 University Avenue
Palo Alto, CA 94301-1900
Direct Dial: (650) 324-7098

The assignment for the above application, a copy of which is enclosed, was filed January 27, 1999, with the application. The assignment is recorded at reel number 9736, frame 0721.

Signature: 

Name: Paul Lubock

Title: Chief Operating Officer

Date: January 5, 2000

HELLER, EHRMAN, WHITE & MCAULIFFE
525 University Avenue
Palo Alto, CA 94301-1900
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

WHEN RECORDED, RETURN TO:

Donald E. Stout
100 Pacifica, Suite 210
Irvine, CA 92618

ASSIGNMENT

WHEREAS, we, FRED H. BURBANK of the County of Orange, State of California, and PAUL LUBOCK of the County of Orange, State of California, have invented certain new and useful improvements for

**TISSUE SPECIMEN ISOLATING AND DAMAGING DEVICE
AND METHOD**

for which the said FRED H. BURBANK has this 20th day of January, 1999, executed application papers for United States Letters Patent thereon, and

for which the said PAUL LUBOCK has this 20th day of JANUARY, 1999, executed application papers for United States Letters Patent thereon; and

WHEREAS, SenoRx, Inc. a Corporation of the State of Delaware, hereinafter called Assignee, having its place of business at 13766 Alton Parkway, Suite 144, Irvine, California 92618 is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and in and to any and all Letters Patent therefor granted in the United States of America, and in any and all countries foreign thereto;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) to us in hand paid by Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, FRED H. BURBANK and PAUL LUBOCK by these presents sell, assign and transfer unto Assignee, its successors and assigns, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for Letters Patent in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), in and to the said invention as described in said application, and in and to all Letters Patent granted therefor, and all divisions, reissues and continuations thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all Letters Patent on said inventions or resulting therefrom to said Assignee, as assignee of the entire right, title and interest, and we covenant that we have full right so to do and agree that we will communicate to said Assignee, or its successors any and all facts

known to us regarding said invention whenever requested, sign all lawful papers, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper patent protection for said invention in all countries.

Executed this 20th day of JANUARY, 1999.

Fred Burbank

FRED H. BURBANK

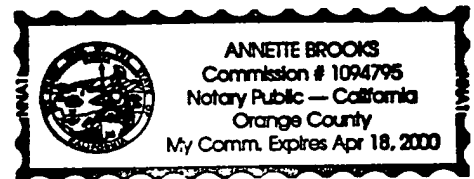
STATE OF CALIFORNIA /

COUNTY OF ORANGE /

On Jan 20, 1999, before me ANNETTE BROOKS, Notary personally appeared FRED H. BURBANK personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

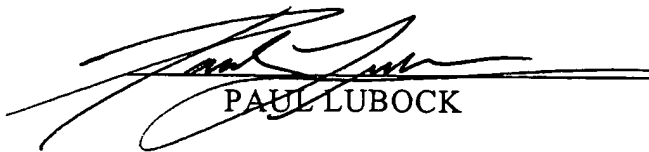
Witness my hand and official seal.

Signature Annette Brooks



SEAL

Executed this 20th day of JANUARY, 1999.


PAUL LUBOCK

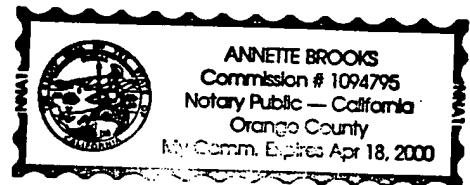
STATE OF CALIFORNIA /

COUNTY OF ORANGE /

On JAN. 20, 1999, before me ANNETTE BROOKS, Notary
personally appeared PAUL LUBOCK personally known to me (or proved to me on the
basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the person(s) acted, executed
the instrument.

Witness my hand and official seal.

Signature Annette Brooks



SEAL